

REMARKS

Claims 1-38 are presented in the application for further examination. Claims 1, 4, 9, 10, 12, 14, 16-18, 20, 23, 28, 29, 31, and 35-37 are amended herein to improve their form and clarity. Reconsideration of the application claims in view of the following remarks is respectfully requested.

Response to Claim Rejection under 35 U.S.C. § 103(a)

1.-6. Claims 1, 4, 8, 16-18, 20-23, 27, and 35-37 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page (U.S. Patent No. 6,285,999) in view of Fogg et al. (U.S. Patent No. 6,163,778). Claims 2 and 3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Fogg et al. and further in view of Pirolli et al. (U.S. Patent No. 5,835,905). Claims 5-6 and 24-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Fogg et al. and further in view of Sprague (U.S. Patent No. 5,870,744). Claims 7, 19, 26, and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Page in view of Fogg et al. and Paepke (U.S. Patent No. 6,249,785).

Claim 1

Regarding claim 1, Applicants reiterate their earlier arguments and again respectfully disagree that the Fogg et al. reference discloses the “***modifying said first collection rating based on said determined first link rating***” aspect of the present invention. As discussed previously, Fogg et al. merely discloses calculating document viability and site viability based upon an **average of link viability** (based on the number of attempts resulting in successful access to a document or site identified by a link) for all links on the document, and on the site, which can be used to rate the document and site, respectively. (*Fogg et al., Abstract*). The Office has failed to address Applicants' arguments set forth in the previous response.

As discussed previously, Fogg et al.'s teaching of rating documents based upon ***the number of attempts resulting in successful access to a document or site*** identified by a link does not constitute a teaching or suggestion for the feature of Applicants' claim noted above, namely modifying the first collection rating based upon the determined first link rating for

contents linked with contents of the first document collection. The Fogg et al. disclosure is narrowly directed to rating web pages based upon **link viability** alone and provides no teaching or suggestion for combining ratings based upon the **content of linked material**. Teachings related to rating web pages based upon **link viability** have no bearing upon webpage ratings based upon page **content of linked material**. The Office points to no teaching or suggestion in Fogg et al. for ranking based upon content of linked material. This omission is crucial, nullifying the present rejection because the cited references fail to teach or suggest each claimed feature, as required by M.P.E.P. § 2131. Fogg et al. merely teach that ratings may be based upon link viability determined by the *number of attempts resulting in successful access to a document* or site identified by a link.

The Office has failed to directly address these arguments set forth by Applicants. The example set forth in the November 30, 2004, action explaining that successfully linking 100 out of 100 attempts yields a link viability rating of 100% further demonstrates Fogg et al.'s failure to teach or suggest these elements of claim 1. Fogg et al. teach only that link viability is important to ranking, providing no teaching related to rating based upon the content of linked material. Thus, Applicants respectfully request that specific responses to these arguments be given and that the present rejection be made non-final so that Applicant may be given the opportunity to respond.

In addition, claim 1 includes the feature of "determining a first link rating according to said first rating scale, said first link rating relating to a **desirability** of contents linked with the contents of said first document collection" and "determining a first collection rating according to a first rating scale, said first collection rating relating to a **desirability** of the contents of said first document collection." The Office action states that the Page reference teaches these aspects of the invention (page 4, lines 4-14). Page, however, utilizes the prevalence of **forward links** and **backlinks** to determine its rankings, irrespective of the desirability of the linked page **contents**. In the case of Applicant's disclosure, for example, desirability relates to webpage content. For example, such desirability, or undesirability in some cases, may be related to webpages including content related to sexually explicit material, hate speech, drug information, and gambling, among others. Page does not teach or suggest reliance on such desirability, but

rather teaches reliance upon the interconnectedness of the webpage to determine its ranking.

Fogg et al. provide no teaching or suggestion for determining a collection rating relating to a **desirability of a content** of a document collection. Fogg et al.'s teaching of mechanically tabulating the success or failure of an attempt to access a webpage provides no teaching or suggestion for determining the **desirability** of a content of a document collection. As such, the present obviousness rejection cannot be maintained with respect to claim 1 because the applied references do not teach or suggest each element of the claim. Furthermore, Applicants submit that none of the references cited by the Examiner teaches or suggests the features of claim 1. Thus, claim 1 is believed to be in proper form for allowance.

Claims 2-8, which depend directly or indirectly from claim 1, are submitted as patentable for the same reasons as set forth above with respect to claim 1.

Claim 16

Claim 16 recites, in pertinent part:

determining a collection rating according to a rating scale for each of said at least one other second document collection . . . , said collection rating for the rating scale for each of said at least one other second document collection relating to a desirability of a content of said at least one other second document collection” and “determining a collection rating for said rating scale for each of said at least one other third document collection . . . , said collection rating according to the rating scale for each of said at least one other third document collection relating to a desirability of a content of said at least one other third document collection

The Office action states that the Fogg et al. reference (newly applied to claim 16), teaches this aspect of the invention (page 7, line 11 to page 8, line 3). However, Fogg et al. only teach rating based upon link viability determined by the percentage of times a webpage was successfully accessed, such that web pages most successfully accessed, irrespective of the relative number of times each webpage was accessed, would be rated highest. Fogg et al. provide no teaching or suggestion for determining a collection rating relating to a **desirability of a content** of a document collection. Fogg et al.'s teaching of

mechanically tabulating the success or failure of an attempt to access a webpage provides no teaching or suggestion for determining the **desirability** of a content of a document collection. As such, the present obviousness rejection cannot be maintained with respect to claim 16 because the applied references do not teach or suggest each element of the claim. Furthermore, Applicants submit that none of the references cited by the Examiner teaches or suggests that the collection rating may relate to a desirability of a content of a document collection, as recited in claim 16. Thus, claim 16 is believed to be in proper form for allowance.

Claims 17-19, which depend directly or indirectly from claim 16, are submitted as patentable for the same reasons as set forth above with respect to claim 16.

Claim 17

Regarding claim 17, the Office (page 8, lines 4-11,) contends that Fogg et al. disclose “**determining document ratings according to said rating scale for documents of the particular document collection, and sizes of the documents, and determining the collection rating for the particular document collection based on the determined document ratings and the determined sizes.**” The portion of Fogg et al. noted by the Office, however, provides no such teaching. In relevant part, Fogg et al. state that “[n]ext, a visual indicator is created and provided 620 to represent the link viability Other examples include adjusting the size of the link anchor or icon link, and increasing the font size of a textual link.” (Fogg et al., column 9, lines 6-19). This teaching in Fogg et al. relates to the **size** of a visual indicator, and has no relevance with respect to claim 17, which deals with the **size of documents** and incorporates such relevant information into its rating. Neither Fogg et al. nor any of the cited references teach or suggest that a collection rating may be determined based upon sizes of documents, as recited in claim 17. Accordingly, claim 17 is submitted as patentable over the cited art.

Claim 20

Claim 20 recites, in pertinent part, programming instructions designed to enable an apparatus to “**determine a first collection rating according to said first rating scale, said first collection rating relating to a desirability of the contents of a first document**

collection” and “determine a first link rating according to said first rating scale, said first link rating relating to a desirability of contents linked with the contents of said first document collection.” The Office action states that the Page reference teaches these aspects of the invention (page 11, lines 16-21). However, Page teaches rating based upon weighted **backlinks**, such that web pages with a particularly large number of backlinks to those pages most highly weighted will be rated highest. (*Page, column 4, lines 5-15*). Page provides no teaching or suggestion for determining a collection rating relating to a **desirability of linked content** of a document collection. Page’s teaching of tabulating the number of weighted backlinks to particular web pages provides no teaching or suggestion for determining the **desirability of linked content** of a document collection. As such, the present obviousness rejection cannot be maintained with respect to claim 20 because the applied references do not teach or suggest each element of the claim. Furthermore, Applicants submit that none of the references cited by the Examiner teaches or suggests these features of claim 20. Thus, claim 20 is believed to be in proper form for allowance.

Claims 21-27, which depend directly or indirectly from claim 20, are submitted as patentable for the same reasons as set forth above with respect to claim 20.

Claim 35

Claim 35 recites, in pertinent part, programming instructions designed to enable an apparatus to:

(A) “determine a collection rating according to a rating scale for each of said at least one other second document collection . . . , said collection rating according to the rating scale for each of said at least one other second document collection relating to a desirability of a content of said at least one other second document collection” and to (B) “determine a collection rating according to said rating scale for each of said at least one other third document collection . . . , said collection rating according to the rating scale for each of said at least one other third document collection relating to a desirability of a content of said at least one other third document collection

The Office action states that the Page reference teaches the (A) portion of claim 35 and that the Fogg et al. reference (newly applied to claim 35), teaches the (B) portion of claim 35 (page 9, line 1 to page 11, line 9).

But as discussed above, Page teaches rating based upon weighted backlinks, such that web pages with a particularly large number of backlinks to those pages most highly weighted will be rated highest. (*Page, column 4, lines 5-15*). Page provides no teaching or suggestion for determining a collection rating relating to the **desirability of content of a linked document collection**. Page's teaching of tabulating the number of weighted backlinks to particular web pages provides no teaching or suggestion for determining the **desirability** of a content of a **linked** document collection. Similarly Fogg et al. only teach rating based upon link viability determined by the percentage of times a webpage was successfully accessed, such that web pages most successfully accessed, irrespective of the relative number of times each webpage was accessed, would be rated highest. Fogg et al. provide no teaching or suggestion for determining a collection rating relating to a **desirability of content of a linked document collection**. Fogg et al.'s teaching of mechanically tabulating the success or failure of an attempt to access a webpage provides no teaching or suggestion for determining the **desirability** of content of a **linked** document collection.

As such, the present obviousness rejection cannot be maintained with respect to claim 35 because the applied references do not teach or suggest each element of the claim. Furthermore, Applicants submit that none of the references cited by the Examiner teaches or suggests the features of claim 35. Thus, claim 35 is believed to be in proper form for allowance.

Claims 36-38, which depend directly or indirectly from claim 35, are submitted as patentable for the same reasons as set forth above with respect to claim 35.

Claim 36

Regarding claim 36, the Office (page 8, lines 4-11,) contends that Fogg et al. disclose “*determining document ratings according to said rating scale for documents of the particular document collection, and sizes of the documents, and determining the collection rating for the particular document collection based on the determined document ratings and the determined sizes.*” The portion of Fogg et al. noted by the Office, however, provides no such teaching. In relevant part, Fogg et al. state that “[n]ext, a visual indicator is created and provided 620 to represent the link viability

Other examples include adjusting the size of the link anchor or icon link, and increasing the font size of a textual link.” (Fogg et al., column 9, lines 6-19). This teaching in Fogg et al. relates to the **size of a visual indicator**, and has no relevance with respect to claim 36, which deals with the **size of documents** and incorporates such relevant information into its rating. Neither Fogg et al. nor any of the cited references teach or suggest that a collection rating may be determined based upon sizes of documents, as recited in claim 36. Accordingly, claim 36 is submitted as patentable over the cited art.

7.-9. Claims 9, 28, 15, and 34 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffy et al. (U.S. Patent No. 5,911,043). Claims 10-13 and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffy et al. in view of Pirolli et al. Claims 10-13 and 29-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffy et al. in view of Pirolli et al. Claims 14 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Duffy et al. in view of Katariya et al. (U.S. Patent No. 6,473,753).

Claim 9

The Office asserts that the Duffy reference, at column 1, lines 63-65, suggests “*determining document sizes of the documents of said subset.*” However, the cited passage in the Duffy reference merely discloses a rating technique that produces document ratings by analyzing specific content or words and phrases in a document. As stressed in the previous Amendment, Applicants do not understand how such an analysis of specific content or words and phrases in a document would disclose the determination of **sizes of documents** as recited in claim 9. Notwithstanding the rejection, Applicants cannot find any language in the Duffy reference that would suggest that the content or words and phrases are represented as the **size** of the document. None of the references cited by the Examiner teaches or suggests this aspect of the invention.

The Office has failed to respond to these points in the present Office action, although they were put forth by Applicants in the previous amendment. Thus, Applicants respectfully request that specific responses to these arguments be given and that the

present rejection be made non-final so that Applicant may be given the opportunity to respond.

Claims 10-15, which depend directly or indirectly from claim 9, are submitted as patentable for the same reasons as set forth above with respect to claim 9.

Claim 28

Similar to claim 9, claim 28 recites the determination of *document sizes*. Accordingly, claim 28 is also believed to be allowable over the cited art for the reasons set forth above with respect to claim 9.

Claims 29-34, which depend directly or indirectly from claim 28, are submitted as patentable for the same reasons as set forth above with respect to claim 28.

Conclusion

10.-11. It is felt that a full and complete response has been made to the Office action and, as such, places the application in condition for allowance. Such allowance is hereby respectfully requested. Although the prior art made of record and not relied upon may be considered pertinent to the disclosure, none of these references anticipates or makes obvious the recited invention. If the Examiner feels, for any reason, that a personal interview will expedite the prosecution of this application, he is invited to telephone the undersigned.

Any required fees or overpayments should be applied to Deposit Account No. 19-1345.

Respectfully submitted,



Brian P. Klein, Reg. No. 44,837
SENNIGER, POWERS, LEAVITT & ROEDEL
One Metropolitan Square, 16th Floor
St. Louis, Missouri 63102
(314) 231-5400

RMB:BPK/dss

Express Mail Label No. EV 544918166 US